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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT



Patent application

Docket No. PA-5047-CIP2

(inventor(s))

(title of invention)

OR

In re application of:

Timothy A. Ghuter

Group Art Unit:

Serial No.: 07 / 959,758

Examiner:

Filed: October 21, 1992

For: Expandable Transluminal Graft Prosthesis for Repair of Aneurysm and Method of Implanting

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN
THREE
MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION**

(37 CFR 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) [a] specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

(check and complete appropriate item below);

☒ **37 CFR 1.8(a)**
with sufficient postage
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No. _____

Barbara J. Forss

(Type or print name of person mailing paper)

Date

Dec. 23, 1992

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 2 of 2)

fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing.

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

Date

Dec-23, 1992

Reg. No. 30,056

Tel. No. (317) 463-7537

SIGNATURE OF ATTORNEY

Richard J. Godlewski

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Section 10. Identification of Person(s) Making THIS INFORMATION DISCLOSURE STATEMENT

The person making this statement is

(check each applicable item (a) and (b))

(a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

Type name of inventor who is signing

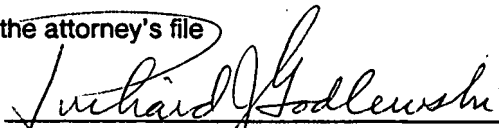
(b) ☒ the attorney who signs below on the basis of:

(check each applicable item)

- ☒ the information supplied by the inventor(s)
- ☐ an individual associated with the filing and prosecution of this application (37 CFR 1.56(c)).
- ☒ the information in the attorney's file

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